IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	UNITED STATES OF AMERICA)						
	Plaintiff,) 8:09CR141)					
	vs.) DETENTION ORDER					
SA	BRINA KING,						
	Defendant.	}					
A.	Order For Detention After conducting a detention hearing pursua Act on May 11, 2009, the Court orders the a to 18 U.S.C. § 3142(e) and (i).	nt to 18 U.S.C. § 3142(f) of the Bail Reform bove-named defendant detained pursuant					
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 						
C.	methamphetamine (Cour a minimum sentence of fi forty years imprisonment intent to manufacture medu.S.C. § 841 carries a imprisonment. (b) The offense is a crime of (c) The offense involves a national content.	and includes the following: e offense charged: o manufacture and attempt to manufacture and I) in violation of 21 U.S.C. § 846 carries we years imprisonment and a maximum of the possession of pseudoephedrine with thamphetamine (Count II) in violation of 21 a maximum sentence of twenty years violence.					
	may affect wheth The defendant h X The defendant h X The defendant h The defendant is The defendant of ties. Past conduct of X The defendant h The defendant h The defendant h	appears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. anot a long time resident of the community. does not have any significant community the defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at					

DETENTION ORDER - Page 2

		(b)	At the time of the current arrest, the defendant was on: Probation	
			Parole Release pending trial, sentence, appeal or completion of sentence.	
		(c)	Other Factors:	
		(0)	The defendant is an illegal alien and is subject to	
			deportation.	
			The defendant is a legal alien and will be subject to	
			deportation if convicted. The Bureau of Immigration and Custom Enforcement	
			(BICE) has placed a detainer with the U.S. Marshal. Other:	
<u>X</u>	(4)	releas	nature and seriousness of the danger posed by the defendant's se are as follows: The nature of the charges in the Indictment and the idant's substance abuse history.	
	(=)			
<u>X</u>	(5)		<u>ittable Presumptions</u> ermining that the defendant should be detained, the Court also relied	
			e following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)	
			the Court finds the defendant has not rebutted:	
	X		That no condition or combination of conditions will reasonably	
			assure the appearance of the defendant as required and the safety	
			of any other person and the community because the Court finds that	
			the crime involves:	
			(1) A crime of violence; or(2) An offense for which the maximum penalty is life	
			imprisonment or death; or	
			X (3) A controlled substance violation which has a maximum	n
			penalty of 10 years or more; or	
			(4) A felony after the defendant had been convicted of two	
			or more prior offenses described in (1) through (3)	
			above, <u>and</u> the defendant has a prior conviction for one	
			of the crimes mentioned in (1) through (3) above which	
			is less than five years old and which was committed while the defendant was on pretrial release.	
	X	(h)	That no condition or combination of conditions will reasonably	
		(5)	assure the appearance of the defendant as required and the safety	
			of the community because the Court finds that there is probable	
			cause to believe:	
			X (1) That the defendant has committed a controlled	
			substance violation which has a maximum penalty of	
			10 years or more.	_
			(2) That the defendant has committed an offense under 1	
			U.S.C. § 924(c) (uses or carries a firearm during and in	
			relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment	
			if committed by the use of a deadly or dangerous	
			weapon or device).	

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

DETENTION ORDER - Page 3

- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.
- 4. Pretrial Services shall obtain a substance abuse evaluation and provide a copy to the court and counsel. Thereafter, any party may move for a modification of the detention order.

DATED: May 12, 2009. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge